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April 4, 2008

The Hon. John G. Koeltl  
United States District Court, SDNY  
500 Pearl Street  
New York, NY 10007  
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APPLICATION GRANTED  
SO ORDERED

4/4/08 JGK  
John G. Koeltl, U.S.D.J.

Re: Diego Alcantara v. City, et al., 07 CV 6480 (JGK) (JCF)

Your Honor:

I am writing with the consent of David Bober, counsel for the individually named United States Department of Justice Drug Enforcement Administration Special Agents, including Agent Dellamura, to request that the Court grant a brief extension of time until April 9, 2008 to re-serve Agent Dellamura. Counsel for the individually named Special Narcotics Prosecutor is not involved in this request and is currently on trial.

Pursuant to your Order dated February 4, 2008, my process server did serve all the named defendants and the United States Attorney's Office on April 3, 2008. However, after Special Agent Cordova accepted service on behalf of all the named agents, I learned from Mr. Bober that Agent Dellamura was no longer working in the New York Office and was transferred to Maryland. I received the email with this information after 5:00 p.m. on April 3, 2008, although it was sent just before 1:00 p.m. yesterday.

I advised Mr. Bober that I believed service was already effected, but in the exercise of caution, I would serve this defendant in Maryland as well. I contacted a Maryland process server and could have made the overnight delivery deadline, but my computer malfunctioned and I missed the deadline. My computer is now even more totally disabled.

However, I will be sending the summons and complaints today to a process server, and I will directly mail another copy of the summons and complaint today as well. Given all the circumstances, especially that I was only advised of this on April 3, 2008, Mr. Bober consented to my request to re-serve this defendant by April 9, 2008. I appreciate his cooperation and request that the Court allow this brief consensual extension.

Sincerely,

Joanne M. Dwyer  
Counsel for Plaintiff, JD(9852)

Cc: David Bober, Esq. and Susan Scharfstein, Esq.